

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TEXARKANA DIVISION**

DONDI KENTRAIL FREENEY,

Petitioner,

v.

WARDEN, FCI-TEXARKANA,

Respondent.

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CIVIL ACTION NO. 5:22-CV-152-RWS-JBB

ORDER

Before the Court is Petitioner Dondi Freeney's petition for writ of habeas corpus. Docket No. 1. Petitioner, an inmate at FCI Texarkana, filed this writ of habeas corpus challenging the computation of his earned time credits. *Id.* The case was referred to United States Magistrate Judge Boone Baxter in accordance with 28 U.S.C. § 636.

The Magistrate Judge ordered Petitioner to pay the statutory filing fee of \$5.00 or file an application for leave to proceed *in forma pauperis* as required by 28 U.S.C. § 1915(b). Docket No. 2. Petitioner received this order on December 30, 2022 and has not complied or responded in any way. *See* Docket No. 3. Accordingly, the Magistrate Judge issued a Report recommending that the petition for habeas relief be dismissed without prejudice for failure to prosecute or obey an order of the Court. Docket No. 4. The Magistrate Judge also recommended that the petition be dismissed for Petitioner's failure to exhaust administrative remedies. *Id.* Petitioner received the Magistrate Judge's Report on January 23, 2024. Docket No. 5. To date, no objections have been received.

Because no objections have been received, Petitioner is barred from *de novo* review by the District Judge of the Magistrate Judge's proposed findings, conclusions and recommendations and, except upon grounds of plain error, from appellate review of the unobjected-to factual findings

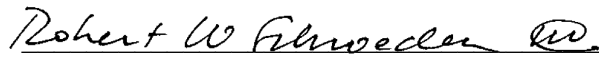
and legal conclusions accepted and adopted by the District Court. *See Duarte v. City of Lewisville, Texas*, 858 F.3d 348, 352 (5th Cir. 2017); *Arriaga v. Laxminarayan*, Case No. 4:21-CV-00203-RAS, 2021 WL 3287683, at *1 (E.D. Tex. July 31, 2021).

The Court has reviewed the pleadings in this case and the Report of the Magistrate Judge. Upon such review, the Court has determined the Report of the Magistrate Judge is correct. *See United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989) (where no objections to a Magistrate Judge's Report are filed, the standard of review is "clearly erroneous, abuse of discretion and contrary to law"). Accordingly, it is

ORDERED that the Report of the Magistrate Judge (Docket No. 4) is **ADOPTED** as the opinion of the District Court. It is further

ORDERED that the above-captioned petition for writ of habeas corpus is **DISMISSED WITHOUT PREJUDICE** for failure to prosecute or obey an order of the Court.

So ORDERED and SIGNED this 17th day of May, 2024.


ROBERT W. SCHROEDER III
UNITED STATES DISTRICT JUDGE